App. F. IX-4

Previous References
Law 99-28-1-3

1930 (Law)

File No. 108-29
Serial Nos. 1-3

Later References
Law 6-31-32) 40.
" 12-32-124
" 73-37 (1-5)

General and Revenue Secretariat.

Serial Nos. ~~1 to~~ Three.

Part B for August 1931

SUBJECT.

Petition in Misc No. 88 of 29 30 on the file of the High Court. Jorja Stone (Kompa Vs Govt.) for permission to sue in forma pauperis, Govt for Compensation for death caused by negligence of the Electrical Depart

---

The petitioner is not permitted to sue in forma pauperis and the petition is dismissed with costs.

General and Revenue Secretariat

File No. 108 of 1929

Serial No.	
	Notice in misc no 88 of 29 30 On the file of the Dt Judge, Bangalore (Kempia is post), for permission to inform Kanteira Apte (Post for compensation for death caused by negligence of the Electrical Dept. The case is posted to 24th March 1930. Draft to PPR Bangalore instructing him to appear in the Case on behalf of Post Puta Dy 4-3-30 4/3 4/3 5/3
2	The Public Prosecutor, Bangalore P 4822(2) dt 7.3.30 requesting him to appear in the Case on behalf of Post. This file has to be sent to the Ch Secy for Signature to the Summons - (Flag G) Draft returning the same to the Dr er putup Dy 11-3-30 11/3 (Ch. Secy)

Re Dt Judge, Bangalore
P 4987 dated 15.3.30
returning the Summons -

Required files are put up.

For evidence on pauperism 11.12.30.

Is this one of the cases entrusted to Mr H.S. Murthi? Has a report been received from him as to the progress of all the cases? If so please note the date to which this case now stands posted & for what purpose -

BRP
9.5-

Yes. No Report has been received from Mr. H.S. Murthy. The recent Circular re the submission of progress reports may perhaps be sent to him as a sort of reminder.

ISD
4/5

In another file he has been asked to send a report of all his R^rs may now be taken cases -

AR^r may be put up & copy of the Circular sent promptly.

BRP
11/5 -

R^r is issued yesterday in the linked file

If the reply is not received within a week

WD 066—GPB—30,000—26-7-29.

at A will be followed up

ISD
14/5

BRP
14/5 -

In another file, Dhruva no. H.S. Mehta has intimated that this case has been disposed of & he has been asked as to how it has been disposed. Please put up the papers as also the bills if any received.

DNP
23/7

Mr H.S. Mehta has not forwarded his bill in Mis 88 of 29-30. Reply as to the [redacted] of disposal of the Case not received. Dft. to put up for ppl.

ISD
30/7

Issue
DNP
30/7

Issued vo. P. 678 d 1.8.31

Letter dated 5.8.31 from Mr. H stating that the petitioner is not put to the in forma pauperis, and the petition with Costs.

Civil

Form No. 105.

XX 2343

4220 P Pg

Bangalore 27-2-30

Sl 1

From The district judge, Bangalore Division Bangalore 192.

To The Chief secretary to the Government of Mysore Bangalore

Sir,

Private CHIEF SECRETARY. 28 FEB. 1930

I have the honor to forward herewith Notice.

~~Summons~~ in duplicate in His case No 88/29-30 ~~No.~~

~~of 192~~, in the file of this Court, and to request, that you will be so good as to cause the duplicate to be served on the individual therein named, and the original returned to this Court with due endorsement of service thereon, on or before the date of hearing 26-3-30

Rs 2/no. 28

~~A sum of Rs.~~ is ~~herewith sent,~~ being

~~witness batta~~

Rec 27/2

I have the honor to be,

Sir,

Your most obedient servant.

WD 01181—GPB—9,000—20-12-27

B.C.

A.D. Sahapathy Asst Sheristedar.

Whereas the above named petitioner has applied to this Court for permission to institute a suit against the defendant- in *forma pauperis* under Order XXXIII of the Code of Civil Procedure, 1911; and whereas the Court sees no reason to reject the application and whereas the 26th. day of March 1930 has been fixed for receiving such evidence as the applicant may adduce in proof of his pauperism and for hearing any evidence which may be adduced in disproof thereof:

Notice is hereby given to you under Rule 6 of Order XXXIII that in case you may wish to offer any evidence to disprove the pauperism of the applicant, you may do so on appearing in this Court on the said 26th. day of March 1930.

Given under my hand and the seal of the Court, this 27th day of February 1930.

B.C. Judge.

A.D. Sahapathy Asst Sheristedar.

WD 01407—GPB—1,250—25-3-28

From The district judge, Bangalore Division 192.

To The Chief secretary to the Government of Mysore Bangalor

Sir,

I have the honor to forward herewith Notice.

~~Summons~~ in duplicate in M/s case No 88/29-30 ~~No.~~

~~of 192~~, on the file of this Court, and to request, that you will be so good as to cause the duplicate to be served on the individual therein named, and the original returned to this Court with due endorsement of service thereon, on or before the date of hearing 24-3-30

~~A sum of Rs.~~ ~~is herewith sent, being~~

witness batta

I have the honor to be,

Sir,

Your most obedient servant.

B. C.

A. P. Lakapathy Iyer

Sheristedar.

Prothe CHIEF SECRETARY. 28 FEB. 1930

WD 01181—GPB—9,000—20-12-27

copy of appn enclosed

24-3-30

Notice to opposite party of day fixed for hearing evidence of pauperism (33. r. 6.)

Form No 77 (Civil).

IN THE COURT OF the District Judge, Bangalore Division

~~SUIT~~ NO. Mis 88 OF 1929 —1930

Kempiah Son of Kempiah residing at Ramanahalli Kidadi Hobli Closepet Taluk Plaintiff { vs. } The Chief Secretary to Government of Mysore. Defendant.

To

The defendant

Whereas the abovenamed plaintiff has applied to this Court for permission to institute a suit against the defendant in *forma pauperis* under Order XXXIII of the Code of Civil Procedure, 1911; and whereas the Court sees no reason to reject the application and whereas the 24th. day of March 1930 has been fixed for receiving such evidence as the applicant may adduce in proof of his pauperism and for hearing any evidence which may be adduced in disproof thereof:

Notice is hereby given to you under Rule 6 of Order XXXIII that in case you may wish to offer any evidence to disprove the pauperism of the applicant, you may do so on appearing in this Court on the said 24th. day of March 1930.

Given under my hand and the seal of the Court, this 27th day of February 1930.

B. C. Judge.

H. V. Lakshapathy Iyengar
Sheristedar

WD-01407—GPB—1,250—25-3-29

In The Court Of The District Judge, Bangalore.

Original Suit No. of 29-30

Kempiah, son of Kuri Kempiah, residing at Hamanahalli in - Bidadi Hobli of Closepet Tlq. His caste is Kurubar, his - occupation is Agriculture and his age is 75 years. } Plaintiff.

Chief Secretary to the Government of Mysore, Bangalore. } Defendant.

Under Order 7 Rule 1 of the Code of Civil Procedure, the plaintiff begs to state as follows:-

1. The plaintiff is a person who lives by cultivation of lands. He is about 75 years old and has an aged wife of 65 years. and four sons, three of whom effected division with him a 75 years ago and has been living separate fro the parents ever since with three wives and - children. His last son by name Ramalinga who wa about 20 years old at his death lived with him, cultivated his lands, and protecting his parent who are on account of their old age unable to - cultivate lands or do any other business to earn their livelihood this young man who was thus

of considerable help to the plaintiff, and his wife, met with a sudden and tragic death on 8th January 1929. The way in which he thus met with his death is material and indeed furnishes the - cause of action for this suit.

2. On 8-1-1929, Ramalinga referred to above who had gone to Bangalore City on some business and was going in Chowdeshwari Temple Street in Bangalore City at about 7 A.M. passed by an electric lamp post which lit the street - and there owing to leakage of the electric current, he received the shock of the current and dropped down dead by the post.

3. The death of the young man was due by the negligence on the part of the electric depar ment or of the Government Officers, servants, or other individuals, charged with the duty of the doing or supervision of the construction work of the street-lighting by electricity in not taking proper steps and care, in the matter of insulation of the electric wires or other connections and taking other precautionery measure necessary to prevent such injury or damage to the public o private individuals who generally use the street or [illegible] casually walk about [illegible]. This breach of duty and negligence on the part of such officer or officers, other servants or servant or - other individuals, was the cause of the plaintif son's death. Hence the Government is liable to compensate the poor and unfortunate parents of t

boy for the loss they have sustained by the death of a son who was ... help to them in their old age.

4. The death of such an obedient and faithful son on whose labour and assistance the plaintiffs depended for their maintenance and bodily comforts, was naturally a severe shock then at the time of immeasurable grief and sorrow lasting for ever, and a serious a heavy loss pecuniarily to them. His labour and assistance now to bring them a net inco of about Rs.600/- or Rs.700/- a year.

5. This matter was brought to the no tice of the Government and requested the he of pecuniary compensation estimating it at about Rs.2,500/-, by issuing a notice on 9- embodying all the facts as required by Sect 80 of Civil Procedure Code. But the Gover was not pleased to give any reply or compl with his request.

6. The plaintiff issued a similar n on 27-2-1929 to the Bangalore City Municip as he was doubtful whether it was the Gove or the City Municipality who had the contr supervision of the work. He received a re 8-4-1929 to the effect that the Municipali no control over the City Electric Lighting over the persons in charge thereof and the

not responsible for the damage sustained by the plaintiff on account of the incident referred to above. So the Municipality is not made a party to this suit.

7. Plaintiff submits that the cause of action accrued to this suit on 8-1-29, in Bangalore City. The value of the suit is Rs.2,500/- being the amount of compensation claimed.

8.

against the defendant for Rs.2,500/-, Court costs, future interest, with such other reliefs, as the Court may deem fit under the circumstances of the case.

Bangalore,
~~23-8-1929.~~
21-1-1930

Bears his left thumb impression
of Kempaiah
Plaintiff.

Advocate for plaintiff.

I, the plaintiff abovenamed, do hereby declare and affirm that what is stated above is true to the best of my knowledge, information and belief.

In the Court of the Subordinate Judge
Bangalore
Suit No. 84 of 1929-30

Plaintiff - Messrs Thomas & Co. Ltd. by their Attorney
(Defendant) who is aged 28 yrs, carries on business at Bidadi Ramanahalli in Bidadi Hobli of Closepet Taluk, as a planter & agriculturist.

To

Defendant - Chief Secretary to the Govt of Mysore
(Plaintiff)

Under O.32 R. 2 Code of Civil Procedure, the petitioner begs to submit to this Honourable Court to grant permission to the petitioner to sue as a pauper. The plaint prepared by him containing the particulars required by law has been annexed to this application. He is unable to pay Court fees payable on the plaint. A list of his movable and immovable properties is annexed to the plaint.

Left thumb impression of the petitioner is affixed here

Usual verification has also been made here

Sd/- T. S. Krishnaiah
Advocate
23/1/1930

List of the Movable & Immovable properties of the petitioner

Immovable properties:

(1) Eastern portion measuring 8 guntas in the fields bearing S. No. 22 at Ramanahalli in Bidadi Hobli of Closepet Taluk.
Its value is ——— Rs. 2

(2) Two plots on field bearing S. No 25 in the same village viz

(a) one in the Southern Corner measuring from Govt. Assessment value is Rs 15

(b) another in the ~~Western corner~~ Western ~~extremity~~ measuring about 2½ Govt. Assessment value is Rs

(3) Eastern plot in Survey No 102/5 in the same village measuring one Govt. Assessment value is Rs 26

(4) A house site in the same village bearing Khanesumari No. 30 about 4 annexures in the land, the house which exists on it was destroyed by fire. Assessment value is Rs 10

Total value = Rs 130

(B) Movables :-

		value
(1)	1 Bullock cart	Rs 30
(2)	1 do Hand (small)	" 2
(3)	1 Bullock cart (bullock)	" 2
(4)	1 Old Plough (old plough)	" 1
(5)	1 Old Bullock (old bullock)	" 0
(6)	4 Goats (Cows)	" 60

Total value = Rs 60

Total value of the movables Rs 190

Here is left-hand withdrawing leaf.

Appendix F G—1

SUBJECT.....

.....

.....

Section Land A

File No. 108-

Serial No. 2

No. 4812[2]

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 1932

To

The Public Prosecutor

Bangalore

Date of issue..... 7/3/30

Signed by..... M. N.S

Sir,

I am directed to forward herewith a copy of the application and plaint in O.S. No. 88 of 29-30 on the file of the District Judge, Bangalore (Kempia v Government) praying for permission to sue in forma pauperis, and to request you to appear on behalf of Govt in the case which is posted to 24th inst

List of enclosures.....

Copied by.....

Examined by.....

Case the application is allowed
a draft written statement
may in due course be
prepared under instructions from the
Office for scrutiny and
approval.

Shaw e.

W. Legal R.

4823

Copy to the Chief Electrical Inspector
for info

Section Rev

File No. 108-29

Serial No. 3

No. 4987

To

The District Judge

Bangalore

Sir,

I am directed to return herewith the original summons in Mis Case 88 of 29-30 on the file of your Court, with due endorsement of service thereon.

I have etc

W Chief

Dne

No. E. D. S. 1746
Encls.

ELECTRICAL SECRETARIAT, P 8930

Dated, Bangalore, 2nd MAY 1931.

FROM

Rajaseevasaktha
K. R. SESHACHAR, Esq., B.A., B.E., C.E.,
Secretary to the Government of Mysore,
Electrical Department.
Bangalore.

To

Kempiah,
Son of Kuri Kempiah,
Residing at Ramanahalli,
Bidadi Hobli,
Closepet Taluk.

Subject:- Petitions dated the 5th March 1931 addressed to the Dewan of Mysore by one Kempiah for grant of compensation to him for the death of his son by electrocution.

With reference to the above, the petitioner is informed that the accident referred to was not due to the negligence of any one in the Electrical Department and that Government regret that no compensation can be paid to him.

Sd. K. R. Seshachar,
Secretary to Government,
Electrical Department.

A.N.

No.EDS. 1747 Dated Bangalore, 2nd May 1931.

Copy of the above is forwarded with compliments to the Law Secretary to Government, for information.

Balu Bhima Rao
for Secretary to Government,
Electrical Department.

Sub? for perusal
T.D. Please place this in
8/5 the connected file
8/5

No. E.D.S. 1786
Encls. 1 file

ELECTRICAL SECRETARIAT,

Dated, Bangalore, 6/5/*193/*

FROM

Rajasevasaktha
K. R. SESHACHAR, Esq., B.A., B.E., C.E.,
Secretary to the Government of Mysore,
Electrical Department,
Bangalore.

To,

P. Mahadevayya, Esq., B.A., B.L.,
~~The Chief Electrical Engineer~~
Secretary to the Government of Mysore,
Law Department,
Bangalore.

Sir,

Subject:- Compensation to one Kempiah for the death of his son by electrocution.

Sir,

In continuation of this office No.E.D.S.1748 dated the 2nd Ma 1931, I am directed to return herewith your office file of papers re suit filed by the said Kempiah against Government for damages and to request that its receipt may kindly be acknowledged.

I have the honour to be,

Sir,

Your most obedient servant,

Balu Bhima Rao

Secretary to Government,
Electrical Department.

ಎಚ್. ಶ್ರೀನಿವಾಸಮೂರ್ತಿ ಬಿ.ಎ., ಎಲ್.ಎಲ್.ಬಿ.;
ಅಡ್ವೊಕೇಟ್.

14 ಶಾಲ್ಮಲಾ ಕಚೇರಿ
ಬೆಂಗಳೂರು ಸಿಟಿ
ತಾರೀಖು 5. 8. 31

ಮಾನ್ಯ The Chief Secretary to the Government of ಗೆ
ಬೆಂಗಳೂರಿನ Additional District Judge; Mysore, Bangalore ಯವರ ಕೋರ್ಟಿನ

1929—1930 ನೆ ಇಸ್ವಿ ~~O. S.~~ ~~S. C.~~ Misc ನಂಬರು. 88.

ವಾದಿ.

Kempaiya

ಪ್ರತಿವಾದಿ.

vs.

The Government of Mysore by its Chief Secretary

ಮೇಲ್ಕಂಡ ಮೊಕದ್ದಮೆಯು ದಿನಾಂಕ 3ನೇ ಆಗಸ್ಟ್ 31. 6. 1931 ನೆ ತಾರೀಖಿನಲ್ಲಿ ಒಯ್ದಂಗಿಗೆ
ಯಿಟ್ಟಿರುತ್ತೆ. ~~ಸಾಲ್ಮಲಾ ಕಚೇರಿ ಕಡೆಯ ವಕೀಲರು ಆದ ಎಸ್. ಶ್ರೀನಿವಾಸಮೂರ್ತಿ ಬಿ.ಎ., ಎಲ್.ಎಲ್.ಬಿ.~~

petitioner is not permitted to sue in forma pauperis.